

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**JOHNNY ALLEMAN**

**CASE NO. 6:22-CV-01608**

**VERSUS**

**JUDGE DAVID C. JOSEPH**

**STATE OF LOUISIANA, ET AL**

**MAGISTRATE JUDGE CAROL B.  
WHITEHURST**


**JUDGMENT**

This matter was referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation. After an independent review of the record, noting the absence of any objections, this Court concludes that the Magistrate Judge's REPORT AND RECOMMENDATION [Doc. 42] is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the REPORT AND RECOMMENDATION, the State of Louisiana's MOTION TO DISMISS [Doc. 28] is GRANTED IN PART AND DENIED IN PART. The motion is granted to the extent the State moves to dismiss for lack of subject matter jurisdiction pursuant to F.R.C.P. Rule 12(b)(1). Plaintiff's claims are hereby REMANDED to state court. The State's motion is denied in all other respects.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff's MOTION TO REMAND [Doc. 33] is GRANTED.

THUS, DONE AND SIGNED in Chambers on the 28<sup>th</sup> day of November 2021.



Handwritten signature of David C. Joseph in blue ink, written over a horizontal line.

DAVID C. JOSEPH  
UNITED STATES DISTRICT JUDGE